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FILED

DISTRICT COURT OF GUAM

MAY - 3 2006

MARY L.M. MORAN
CLERK OF COURT

7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF GUAM**

10 UNITED STATES OF AMERICA,)
11)
12)
13)
14 KUANG-HUA CHEN,)
15 Defendant.)

CRIMINAL CASE NO. 04-00008

**UNITED STATES' MOTION
TO CONTINUE TRIAL AND
SETTING NEW TRIAL DATE**

16
17 The United States of America, hereby moves the Honorable Court to continue the jury
18 trial currently scheduled for May 8, 2006, to at least 30 days thereafter, to be set by the Court, for
19 the following reasons:

20 1. Counsel for both parties have advised the Court through its law clerk via telephone
21 communication that defense counsel is requesting a continuance of the trial sometime during
22 June 2006 which the government does not oppose. Defense counsel has advised that he has trial
23 in the matter of United States v. Brian William Elm, CR# 05-00053, also set for May 8, 2006. In
24 the instant case defense counsel has advised that he expects to file certain in limine motion(s)
25 concerning certain tape recordings, and other evidentiary issues prior to trial. The government
26 would request some time to respond to such motion(s).

27 2. To date the government has subpoenaed at least eight (8) off-island witnesses for the
28 May 8 trial, including law enforcement agents from all parts of the mainland, who are awaiting

1 confirmation whether or not to begin their travel to Guam.

2 3. Government counsel also expects to call a necessary witness from China who, to
3 date, is awaiting issuance of a visa from the U.S. Department of State. The government expects
4 such visa to be approved sometime after the week of May 8, 2006, and anticipates before the end
5 of the month of May.

6 4. Government counsel calculates that the speedy trial clock has tolled on about Day 54
7 of the clock, and the time period beginning and including May 8, 2006 to and including the new
8 trial date should be excluded from the computations required by the Speedy Trial Act, Title 18,
9 United States Code, Sections 3161(h)(1)(F); (h)(3)(A); and (h)(8)(A) and (B)(iv).

10 5. Defense counsel has been advised of this motion and has no objection to it.

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12 RESPECTFULLY submitted this 3rd day of May 2006.

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14 LEONARDO M. RAPADAS
15 United States Attorney
16 Districts of Guam and NMI

17 By: 

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